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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 682-L.—28th July, 2016.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VI of 2016

THE WEST BENGAL FINANCE ACT, 2016.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 28th July, 2016.]

An Act to amend the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, the Indian Stamp Act, 1899, in its application to West Bengal, the West Bengal Sales Tax Act, 1994, and the West Bengal Value Added Tax Act, 2003.

WHEREAS it is expedient to amend the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, the Indian Stamp Act, 1899, in its application to the State of West Bengal, the West Bengal Sales Tax Act, 1994, and the West Bengal Value Added Tax Act, 2003, for the purposes and in the manner hereinafter appearing;

West Ben. Act VI of 1979.
2 of 1899.
West Ben. Act XLIX of 1994.
West Ben. Act XXXVII of 2003.

It is hereby enacted in the Sixty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

The West Bengal Finance Act, 2016.

(Sections 1-3.)

Short title and commencement.

1. (1) This Act may be called the West Bengal Finance Act, 2016.

(2) Save as otherwise provided, it shall come into force on such date, or shall be deemed to have come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

Amendment of West Ben. Act VI of 1979.

2. In the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979,—

(1) in section 7, in sub-section (4a), after the second proviso the following proviso shall be inserted:—

"Provided also that the assessment in respect of the year or part of the year ending on or before the 31st day of March, 2014, shall, notwithstanding the provisions contained in this sub-section, be made on or before the 31st day of December, 2016:";

(2) in section 9,—

(a) in sub-section (1), for the words "an employer (not being an officer of Government)", the words "an employer" shall be substituted;

(b) in sub-section (2), the following proviso shall be inserted:—

"Provided that the State Government may reduce or waive the amount of interest payable by the employer (being an officer of Government), if he is satisfied that—

(a) the default in the payment of the amount on which interest is payable, has been due to the circumstances beyond the control of such an employer; and

(b) the payment of such interest would cause genuine hardship to such an employer.";

(3) in the Schedule,—

(a) in the entry in item (i) of column (2) against serial No. 1 in column (1), for the words and figures "Not exceeding Rs. 8,500", the words and figures "Not exceeding Rs. 10,000," shall be substituted;

(b) the entry in item (ii) of column (2), and the corresponding entry of column (3), against serial No. 1 in column (1), shall be omitted.

Application and amendment of Act 2 of 1899.

3. (1) The Indian Stamp Act, 1899 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

(2) In Schedule 1A to the principal Act, in article 43,—

(a) in item (a), in the entries under heading "Description of Instruments", for the words "of any goods exceeding in value twenty rupees", the words "of any goods including currency exceeding in value twenty rupees" shall be substituted;

(b) in item (aa), in the entries under heading "Description of Instruments", for the words "of any goods exceeding in value twenty rupees but not delivered", the words "of any goods including currency exceeding in value twenty rupees but not delivered" shall be substituted;

(c) in item (ab), in the entries under heading "Description of Instruments", for the words "of any goods relating to future and options trading", the words "of any goods including currency relating to future and options trading" shall be substituted;

The West Bengal Finance Act, 2016.

(Sections 4, 5.)

(d) in item (ac), in the entries under heading "Description of Instruments", for the words "of any goods relating to forward contract of commodities traded through an association or otherwise", the words "of any goods including currency relating to forward contract of commodities traded through an association or otherwise" shall be substituted;

(e) in item (b), for the entries under headings "Description of Instruments" and "Proper Stamp-duty", the following entries under headings "Description of Instruments" and "Proper Stamp-duty", shall be substituted, respectively:—

"(b)	of any stock or marketable security exceeding in value twenty rupees but not being a Government security	
	(i) in case of delivery	Fifty paise for every Rs. 5000 or part thereof;
	(ii) in case of non-delivery	Ten paise for every Rs. 5000 or part thereof;
	(iii) if relating to futures and options trading	Ten paise for every Rs. 5000 or part thereof;
	(iv) if relating to forward contracts traded through and association or otherwise	Ten paise for every Rs. 5000 or part thereof;".

Amendment of West Ben. Act XLIX of 1994.

4. In the West Bengal Sales Tax Act, 1994, after section 57, the following section shall be inserted:—

"Quantification of admitted amount of tax, interest or penalty from a dealer.

57A. When a dealer furnishes a return under section 30 indicating therein, or otherwise admits in writing, his liability to pay any tax, interest, or penalty in respect of a certain period, then, notwithstanding anything contained elsewhere in this Act, such amount of tax, interest or penalty shall be deemed to have been quantified on the date of filing of such return or making such admission, as the case may be, and all the provisions of section 52, section 53, section 54, section 55, section 56, and section 57, shall, *mutatis mutandis*, be applicable in respect of such quantified tax, interest or penalty.".

Amendment of West Ben. Act XXXVII of 2003.

5. In the West Bengal Value Added Tax Act, 2003,—

(1) in section 2, in clause (55), for the words, figures and brackets "defined in clause (39) of the Act", the words, figures and brackets "defined in clause (39) of this section" shall be substituted;

(2) Section 8A shall be omitted;

(3) Section 8B shall be omitted;

(4) Section 8C shall be omitted;

(5) Section 8D shall be omitted;

(6) in section 40,—

(a) to sub-section (2A), the following proviso shall be inserted:—

"Provided that the Commissioner may, if satisfied on the reasons adduced by the person who makes the deduction or a contractee or otherwise, extend, by an order in writing, the time for furnishing the scroll.";

The West Bengal Finance Act, 2016.

(Section 5.)

(b) to sub-section (3B), the following proviso shall be added:—

"Provided that the State Government may reduce or waive the amount of interest payable by the person who makes the deduction or a contractee (being an officer of Government), if he is satisfied that—

(a) the default in the payment of the amount on which interest is payable, has been due to the circumstances beyond the control of such an employer; and

(b) the payment of such interest would cause genuine hardship to such a person or contractee.";

(7) in section 84, in sub-section (2), in the first proviso,—

(a) in the Table,—

(i) in serial No. 1,—

(A) in the second column, for the word "year", the words "calendar year" shall be substituted;

(B) for the entry in the third column, the following column shall be substituted:—

"31st day of March of the calendar year immediately following the calendar year in which the appeal was filed.";

(ii) in serial No. 2,—

(A) in the second column, for the word "year", the words "financial year" shall be substituted;

(B) for the entry in the third column, the following column shall be substitued:—

"30th day of September of the financial year immediately following the financial year in which the appeal was filed.";

(b) *Explanation* shall be omitted.

By order of the Governor,

MADHUMATI MITRA,
Secy. to the Govt. of West Bengal,
Law Department.

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